

CIVIL DOCKET

BARROW

70-C-138

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

8

TITLE OF CASE

ATTORNEYS

Helen L. Tyler, Administratrix
of the Estate of Donald M. Tyler,
Deceased

vs

The United States of America

For plaintiff:

Donald P. Moyers, William A. Goffe
920 National Bank of Tulsa Building
Tulsa, Oklahoma 74103

Thomas W. Brown, Gerald R. Preston, Jr.
415 East 5th Street
Bartlesville, Oklahoma 74003

For defendant:

Nathan G. Graham
Robert P. Santee

Ben Douglas
Tax Division
8E2 Federal Office Building
Dallas, Texas 75202

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 5-1-70 2-1-73	Clerk	4-29-70	Martin, etc.	15 00	
J.S. 6 mailed 12-1-71 2-1-73	Marshal	4-30-70	CD 47		15 00
Basis of Action: Recovery of estate tax	Docket fee	12-14-71	Logan	5 00	
	Witness fees	12-16-71	C.D.No.27		5 00
Action arose at: Washington County	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-29-70	Complaint, filed. m	
4-29-70	Summons issued.	
4-29-70	Return on summons, filed. Served U.S. Atty for NDO in Tulsa, Okla. on 4-29-70 and mailed 2 copies by cert. mail to Atty. Gen. in Wash. D.C. and one copy to District Director, IRS, Okla. City, Okla. on 4-29-70. (Fees: \$3.00)m	
6-25-70	Application for enlargement of time in which to answer of plead from June 29, 1970 to and including July 14, 1970. filed. with order granting time to and including July 14, 1970, filed. v	
7-13-70	Answer, filed. m	
8-21-70	Parties to hold pre-trial prior to 9-21-70, and file pre-trial order no later than 9-28-70. (AEB-J)v	
9-28-70	Pre-trial order, filed.	
9-28-70	Stipulation of facts, filed. m	
10-1-70	Pre-trial order, filed. (Allen E. Barrow - Judge) b	
11-16-70	Case set for N/J trial on Wednesday, 12-9-70 at 10:00 A.M. (AEB-J)h	
11-19-70	Joint Motion for Continuance, filed. v	
11-19-70	Order, filed that trial of this case is continued from it setting of December 9, 1970. (Allen E. Barrow - Judge) b	
2-5-71	Case set for non-jury trial at 10:00 a.m. 3-22-71. (AEB-J)m	
3-22-71	Case called for non-jury trial. Parties present. Statements made. All exhibits admitted, and case taken under advisement. Parties to file simultaneous briefs within 30 days. (AEB-J)h	
4-16-71	Defendant's application for order extending time to file brief, filed. ds	
4-16-71	Order, granting defendant to on or before 5-21-71 to file brief. (AEB-J) ds copies mailed	
4-16-71	Order, granting Helen L. Tyler, Adm., plaintiff, 30 days to file brief based on Government's request for an extension of 30 days. (AEB-J) ds	
5-14-71	Application of defendant for order extending time to file brief filed.h	
5-14-71	It is ordered that plaintiff granted additional 17 days in which to file brief. (AEB-J)h (until June 7, 1971) (Order filed.)	
5-14-71	It is ordered that defendant also granted additional 17 days in which to file brief. (AEB-J)h (until June 7, 1971)	
6-7-71	Plaintiff's brief, filed. g	
6-7-71	Brief for the Defendant, filed. r	
9-17-71	Findings of fact and conclusions of law, filed. (AEB-J) ds	
10-4-71	Motion for new trial, filed by plaintiff. ds	
10-4-71	Plaintiff's brief in support of motion for new trial, filed. ds letter to deft.	
10-4-71	Ordered by the Court that defendant respond to plaintiff's motion for a new trial with a responsive brief within ten days of this date. (AEB-J) ds	
10-14-71	Defendant's opposition to motion for new trial, filed. g	
10-14-71	Brief in opposition to motion for new trial, filed. g	
11-16-71	Order overruling plaintiff's motion for new trial, filed. (AEB-J)v	
11-16-71	Judgment that Plaintiff, Helen L. Tyler, Administratrix of the Estate of Donald M. Tyler, Deceased, do have and recover of Deft., USA, the sum of \$39,503.40, with interest, filed and entered. (AEB-J)v	
11-30-71	Amendment to judgment, filed; substituting \$47,265.01 as the amount to be recovered. (AEB-J)g	
12-14-71	Notice of appeal by plaintiff, filed. (cpy to USCA, US Atty., Ben Douglas. g)	
12-14-71	Bond on appeal - The Travelers Indemnity Co., surety, filed. g	
1-19-72	Appeal record (orig. & 3 copies, no transcript) to USCA. rm	

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
11-27-72	Mandate & Opinion of USCA, 10th Circuit, reversing judgment of 11-16-71 (amended 11-30-71), filed and spread of record. g	
11-30-72	Pltf's. motion for judgment pursuant to mandate of USCA, Tenth Circuit, filed. g	
1-5-73	Pltfs' Withdrawal of Motion, filed. r	
1-30-73	Judgment in conformity with mandate of USCA filed & entered: judgment entered 11-16-71 and amendment to judgment entered 11-30-71 are hereby vacated; judgment rendered that pltf. Helen L. Tyler, Admr. of Estate of Donald M. Tuler, deceased, have judgment against the USA for \$407,535.73 (composed of assessed taxes in amt. of \$340,612.39 and assessed interest in amt. of \$66,923.34) with interest thereon as provided by law. (AEB-J)g <i>copy mailed</i>	
2-28-73	Satisfaction of judgment, filed. ds	

DATE	PROCEEDINGS	Date Order or Judgment Noted